

IN THE WESTERN DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

RYAN C. FORD, A Minor, by and through his))	
Guardian, GARY GOODEMOTE)	
and)	
)	
ROBERT FORD and MAE FORD)	
Individually)	
)	
Plaintiffs)	
)	
vs.)	
)	
ICON HEALTH AND FITNESS, INC.)	No. 05-54Erie
)	
and)	
)	
SEARS, ROEBUCK AND COMPANY,)	
)	
Defendants)	

**PLAINTIFF ROBERT D. FORD AND MAE FORD'S PRE-TRIAL NARRATIVE
STATEMENT**

And NOW COME the Plaintiffs, ROBERT FORD AND MAE FORD, by and through their attorney, CHRISTINA S. NACOPOULOS, ESQ., and file this Pre-Trial Narrative Statement, pursuant to Local Rule 16.1.4.A, as follows:

I. NARRATIVE STATEMENT OF FACTS

The entire recitation of minor Plaintiff's statement of facts as set forth in said minor's Pre-Trial Statement is hereby incorporated in its entirety as if rewritten herein. The parent Plaintiffs only add to their son's narrative statement that they, having been in the close proximity and having witnessed their son lifeless and blue, trying to free him from the machine in which he was trapped, doing a chest rub on him and witnessing him struggle for air, have suffered serious emotional distress.

II. DAMAGES

As a result of being in close proximity to and witnessing their son's injury, the Plaintiff parents, Robert and Mae Ford, have suffered emotional distress and have dealt with it in different ways. Robert Ford, as he testified, has not sought psychological or psychiatric medical treatment. Mae Ford treated with the counselor that she had previously treated with on prior occasions for her post partum depression and testified in her deposition regarding her treatment, both past and present. In short, both parents have suffered emotional injury, trauma and damage as a result of the Defendants' defective product and the injury it produced to their son in their home.

Medical Expenses

To the extent the parents would be responsible for the medical expenses and lien of their son, there are liens of \$16,524.77 from Highmark Blue Shield and Department of Public Welfare. There are no medical expenses alleged on behalf of Robert Ford.

Other Special Damages

Past, present and future emotional distress and mental anguish claims on behalf of Robert Ford and Mae Ford to be determined by a jury.

III. WITNESSES

Plaintiffs hereby identify all of the witnesses identified by their minor Plaintiff and son in his Pre-Trial Statement, which Witness List is hereby incorporated in its entirety as if rewritten herein and reserve the right to call any of their son's witnesses as to liability and damages. In addition, Plaintiff Mae Ford also identifies:

1. Celeste Siebold, MA, Psychologist, 1369 West 6th Street, Erie, PA 16505 (Dr. Siebold's progress reports are attached hereto as Exhibit A).

IV. EXPERT WITNESSES

Plaintiffs hereby identify all of the expert medical and engineering witnesses identified by their minor Plaintiff and son in his Pre-Trial Statement, which Expert Witness List is hereby incorporated in its entirety as if rewritten herein and reserve the right to call any of their son's expert witnesses as to liability and damages. In addition, Plaintiff Mae Ford also identifies:

1. Celeste Siebold, MA, Psychologist, 1369 West 6th Street, Erie, PA 16505 (Dr. Siebold's progress reports are attached hereto as Exhibit A).

As to **engineering** witnesses on liability, Plaintiffs also identify:

1. Dr. Howard P. Medoff, Ph.D., P.E. 1600 Woodland Road, Abington, PA 19001 (Mr. Medoff's report of August 30, 2006 and his Curriculum Vitae were attached to their son's pre-trial statement as Exhibits I and J, respectively and are hereby incorporated herein in their entirety).

V. EXHIBITS

Plaintiffs hereby identify all of the Exhibits identified by their minor Plaintiff and son in his Pre-Trial Statement, which Exhibit List is hereby incorporated in its entirety as if rewritten herein and reserve the right to utilize any of their son's exhibits as to liability and damages. In addition, Plaintiff Mae Ford also identifies the medical records of Celeste Siebold, MA, Psychologist, 1369 West 6th Street, Erie, PA 16505 and any other health care provider to which Mae Ford is treating as a result of her emotional injuries stemming from Defendants' defective product.

VI. UNUSUAL LEGAL ISSUES

Negligence, strict liability, breach of warranty claims and the presence or absence of contributory negligence on the part of Plaintiff parents are issues alleged.

VII. EXPERT DISCLOSURES

Dr. Howard P. Medoff, Ph.D., P.E., Woodland Road, Abington, PA 19001 (Mr. Medoff's report of August 30, 2006 and his Curriculum Vitae were attached to their son's Pre-Trial statement as Exhibits I and J, respectively and are hereby incorporated herein in their entirety).

VIII. MEDICAL EXPERT DISCLOSURES

Plaintiffs make the identical medical disclosures identified by their minor Plaintiff and son in his Pre-Trial Statement, which medical disclosures are hereby incorporated in their entirety as if rewritten herein and reserve the right to call any of their son's medical witnesses as to liability and damages. In addition, Plaintiff Mae Ford also identifies:

Celeste Siebold, MA, Psychologist, 1369 West 6th Street, Erie, PA 16505 (Dr. Seibold's progress reports are attached hereto as Exhibit A)

IX. AMENDMENT

Plaintiffs reserve their right to amend this Pre-Trial Narrative Statement at any time before trial.

Respectfully submitted,

CHRISTINA S. NACOPOULOS,
ATTORNEY AT LAW

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